

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jock D. MACKINLAY et al.

Group Art Unit: 2176

Application No.: 10/687,486

Examiner: A. N. LONG

Filed: October 17, 2003

Docket No.: 131754

For: SYSTEMS AND METHODS FOR EFFECTIVE ATTENTION SHIFTING

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the Final Rejection in the above-identified application. A Notice of Appeal and fee in the amount of \$510 is filed concurrently herewith. The shorten statutory period for reply is extended by the attached Petition for Extension of Time. The Commissioner is also authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 24-0037.

I. Status of Pending Claims

Claims 1, 3-19, 21-37 and 39-47 are pending in this application. Claims 1, 3-19, 21-37 and 39-47 stand rejected by the August 13, 2007 Final Rejection. No amendments are being filed with this request.

II. Ground of Rejection Presented for Review

The following grounds of rejection are presented for review: the August 13, 2007 Office Action: (1) rejects claims 1, 3-5, 10, 12-18, 37, 39-42 and 45-47 under 35 U.S.C. §102(b) over Microsoft Excel (User's Guide Microsoft Excel, Version 5.0 1993) (Excel);

(2) rejects claims 19, 21-23, 28, 30-36, 43 and 44 under 35 U.S.C. §103(a) over Excel; (3) rejects claims 7, 9, 25 and 27 under 35 U.S.C. §103(a) over Excel in view of Grudin (Grudin, *J. Partitioning digital worlds focal and peripheral awareness in Multiple Monitor Use*, 2001); and (4) rejects claims 6, 8, 11, 24, 26 and 29 under 35 U.S.C. §103(a) over Excel in view of Grudin, and further in view of Tan et al. (Tan et al. *Effects of Visual Separation and Physical Discontinuities When Distributing Information Across Multiple Displays*. 2003.) (Tan). Claims 1, 12, 19, 30, 37, 39 and 40 are independent.

Applicants respectfully submit that the factual basis of the prior art rejections contain clear deficiencies.

III. The Claims Define Patentable Subject Matter

This pre-appeal brief will only address the independent claims because it is sufficient to overcome all other rejections and for brevity. This does not indicate Applicants' agreement with the other rejections presented in the Final Rejection and/or Advisory Action.

The Final Rejection rejects independent claim 1 on the grounds that Excel discloses all of the features of the claim. Applicants respectfully disagree.

As presented in Applicants' November 20, 2007 reply to the Final Rejection, Excel fails to disclose or suggest determining a distance between the focus of attention and the display event, as recited in independent claim 1 and similarly recited in claims 19, 37 and 39. The Office Action alleges that Excel teaches determining a distance as the "length of tracer arrow," from the beginning of the active cell to the point of the arrow. Applicants respectfully disagree. The applied reference makes no indication or reference to the length of the tracer arrow, but instead discloses tracers that "track data flow by drawing arrows connecting the active cell with related cells on your worksheet. Tracer arrows point in the direction of data flow." See page 668, section "About Tracer Arrows" from Excel. Thus, Excel merely discloses that a trace arrow will originate in one cell and terminate in another

cell. Thus, Excel fails to disclose or suggest determining a distance between the focus of attention and the display event.

The Advisory Action asserts "one skilled in the art has to infer that some sort of calculations of the "length of the tracer arrow" has to be taken into consideration by the system in order to draw the arrow accordingly." Applicants respectfully disagree, Excel does not inherently indicate that a distance has been determined. Further, the graphic generating software used by Excel need only know the relative pixel coordinates between the two cells, not the distance. The arrow can then be drawn by many methods not requiring a calculation or determination of distance, for example determining the slope of the trace arrow and subsequently generating the trace arrow graphic starting at one cell and using the slope and horizontal range. In this example no distance is calculated. Thus, Excel fails to disclose or suggest determining a distance between the focus of attention and the display event, as recited in independent claim 1 and similarly recited in claims 19, 37 and 39.

Further, Excel fails to disclose or suggest wherein the attention shifting display element is determined based on the determined distance such that different types of attention shifting display elements are determined for different distances, as recited by independent claim 1 and similarly recited in independent claims 12, 19, 30, 37, 39 and 40. Excel discloses, as acknowledged by the Final Rejection, "Excel teaches display different tracer arrows depending on tracer type" (Final Rejection, page 3). On page 669 Excel discloses "the tracers produce three types of arrows." The three types of arrows are solid blue, solid red, and dashed black with icon. These three types of arrows are used to indicate the tracer type, as acknowledged by the Final Rejection and disclosed by Excel. The tracer types are defined by Excel as Formula, Error and External reference or reference to another sheet in the same workbook, and correspond to the solid blue arrow, solid red arrow, and dashed black arrow with icon, respectively. See Excel, page 669. Thus, Excel bases its tracer type on the

conditions of the originating cell and not a determined distance. Therefore, Excel fails to disclose or suggest the attention shifting display element is determined based on the determined distance such that different types of attention shifting display elements are determined for different distances, as recited by independent claim 1 and similarly recited in independent claims 12, 19, 30, 37, 39 and 40.

Excel fails to disclose or suggest the combination of features of independent claims 1, 12, 19, 30, 37, 39 and 40. Grudin and Tan fail to cure the deficiencies of Excel, and therefore independent claims 1, 12, 19, 30, 37, 39 and 40 and their dependent claims are patentable over Excel, Grudin and Tan, whether taken in individually or in combination.

IV. Conclusion

All pending claims are in condition for allowance. The applied references fail to disclose all of the features recited in the pending claims, and therefore withdrawal of the Final Rejection and allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James A. Oliff', enclosed within a large, loopy oval shape.

James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:MEM/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400